

IN THE DISTRICT COURT IN AND FOR WOODWARD  
STATE OF OKLAHOMA

JOSHUA MCCUTCHEON,

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Plaintiff,

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vs.

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Case No. CJ-2019-99

CF INDUSTRIES, LLC, a foreign corporation,  
and CF INDUSTRIES NITROGEN, LLC, a foreign  
limited liability company, and TERRA  
INTERNATIONAL (Oklahoma), LLC,  
a foreign limited liability company,

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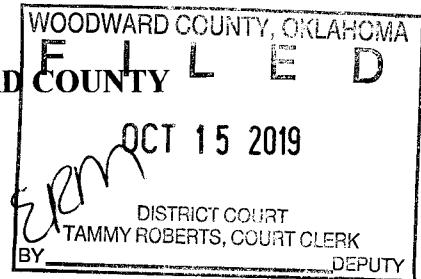
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Defendants.

)

Judge Eilers

ATTORNEY LIEN CLAIMED

**FIRST AMENDED PETITION**

Comes now the Plaintiff, Joshua McCutcheon, by and through his attorney, Gregory Meier of Meier and Associates, and for his first amended petition against the Defendants, and each of them, herein alleges and states as follows:

1. Plaintiff, Joshua McCutcheon, is a resident of Tulsa County, State of Oklahoma.
2. The Defendant CF Industries, Incorporated, is a foreign corporation doing business in Woodward County, State of Oklahoma.
3. The Defendant CF Industries Nitrogen, LLC, is a foreign limited liability company registered in the state of Delaware and doing business in Woodward County, State of Oklahoma.
4. The Defendant, Terra International (Oklahoma), LLC, is a foreign limited liability company registered in the State of Delaware and doing business in Woodward County, State of Oklahoma and operating the Woodward Nitrogen Complex where Plaintiff was injured.
5. That the acts complained of herein occurred within Woodward County, State of Oklahoma, and this court has jurisdiction and venue of this action.

6. That October 4, 2017, the Plaintiff was employed by Piping Enterprise Company while working on the premises of the Defendants in Woodward County, State of Oklahoma, known as the Woodward Nitrogen Complex.

7. That the Defendants provided on-site fresh water drinking fountains at the Woodward Nitrogen Complex for the use of its employees and its subcontractor's employees including this Plaintiff.

8. That on October 4, 2017, the Plaintiff took three sips of water from the fresh water drinking fountain at the Woodward Nitrogen Complex and ingested an ammonia-based liquid instead of clean fresh water.

9. That the ammonia-based liquid the Plaintiff ingested burned his mouth, nose and sinuses, cause cramping and diarrhea and other physical, mental and emotional problems and also resulted in the permanent loss of Plaintiff's sense of smell and permanent loss of Plaintiff's sense of taste.

10. That the Defendants, and each of them, were negligent in permitting ammonia-based liquids to enter the fresh water piping system at the Woodward Nitrogen Complex and then to pipe those ammonia-based liquids into the public water drinking fountains at that location.

11. That the foregoing acts of negligence on the part of the Defendants, and each of them, have caused permanent physical and emotional damage to the Plaintiff, that he has incurred pain and suffering and medical expenses as a consequence of the Defendant's negligence, and believes he will incur future pain and suffering, future medical expenses, and the permanent loss of his ability to taste or smell for the rest of his life due to the foregoing acts of negligence on behalf of the Defendants, and each of them.

12. That the Plaintiff believes there are other potential Defendants unknown to the Plaintiff at this time who along with the named Defendants were culpable and responsible for the introduction of ammonia-based liquids into the piping system of the Woodward Nitrogen Complex and into the fresh water drinking fountains where Plaintiff ingested an ammonia-based substance. Plaintiff reserves the right to identify potential third-party Defendants through discovery in this litigation and here reserves the right to bring those causes of action against those presently unknown Defendants.

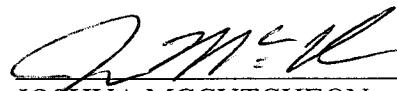
Wherefore, premises considered, Plaintiff prays for judgment against the named Defendants herein, and each of them, in an amount in excess of \$75,000 exclusive of interest and cost and such other potential third-party Defendants that may be discovered as also legally responsible for Plaintiff's damages, and for such other and further relief as is proper.

By

  
GREGORY G. MEIER, OBA #6122  
MEIER & ASSOCIATES  
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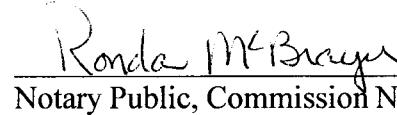
**VERIFICATION**

I, JOSHUA MCCUTCHEON, verify that I have read the above and foregoing document and the contents thereof are true and correct to the best of my knowledge and belief.



JOSHUA MCCUTCHEON

Subscribed and sworn to before me this 2<sup>nd</sup> day of October, 2019.



Ronda McBryne  
Notary Public, Commission No. 14008391

My commission expires:

Sept. 19, 2022